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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,279	07/31/2001	Raymond Anthony Joao	RJ216	4075

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EXAMINER
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TRAN, DALENA

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/919,279

**Applicant(s)**

JOAO, RAYMOND ANTHONY

**Examiner**

Dalena Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 40-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **Notice to Applicant(s)**

1. This office action is responsive to the amendment filed on 1/21/05. As per request, claims 1-39 have been cancelled. New claims 40-59 have been added. Thus, claims 40-59 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 40-42,45,47,49-55, and 58-59, are rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322) in view of Petite et al. (6,437,692), and Diaz et al. (6,356,822).

As per claim 1, Kirkevold et al. disclose a memory device for storing at least one of vehicle diagnostic information, vehicle repair information, vehicle maintenance information, and vehicle servicing information (see at least the abstract; columns 2-3, lines 60-3; column 3, lines 32-67; and column 5, lines 8-33); a processing device associated with the web site, device is located at a location remote wherein the processing from the vehicle and remote from the first communication device, wherein the processing device processes the request for the at least one of a vehicle problem, and a vehicle state of disrepair, wherein information regarding vehicle malfunction, the processing device generates a message containing information regarding at least one of a diagnosis and repair regarding the at least one of a vehicle problem, a vehicle malfunction, and a

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vehicle state of disrepair (see at least columns 4-5, lines 33-7; columns 5-6, lines 35-67; columns 7-8, lines 59-58; and columns 9-11, lines 43-32). Kirkevold et al. do not disclose at least one of a service provider, a repair facility, a dealer, a parts provider, an accessory provider, a warranty provider, and an insurance provider. However, Diaz et al. disclose wherein the message also contains information regarding at least one of a service provider, a repair facility, a dealer, a parts provider, an accessory provider, a warranty provider, and an insurance provider, for at least one of repairing and paying for a repair of the at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, and further wherein the message contains a link or a hyperlink least one of a service provider computer or communication device, a repair facility computer or communication device, a dealer computer or communication device, a parts provider computer or communication device, an accessory provider computer or communication device, a warranty provider computer or communication device and an insurance provider computer or communication device (see at least columns 10-11, lines 1-10; and columns 12-13, lines 14-8). Kirkevold et al. also do not disclose receiver and transmitter. However, Petite et al. disclose a receiver associated with a web site, wherein the receiver receives a request for information regarding at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, regarding a vehicle, wherein the request for information is transmitted to the receiver from a first communication associated with a user, wherein the first communication device is located at a location remote from the vehicle and remote from the apparatus, and further wherein the request for information is transmitted to the receiver on or over at least one of the Internet and the World Wide Web (see at least columns 2-3, lines 34-44; and column 6, lines 15-49), and a transmitter

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associated with the web site for transmitting the message to the first communication device or a second communication device associated with the user (see at least column 10, lines 12-53; column 12, lines 41-62; and columns 16-17, lines 35-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al. by combining a receiver for receiving information regarding at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, regarding a vehicle, wherein the information is transmitted to the receiver from a communication device, wherein the communication device is located at a location remote from the vehicle, and a transmitter for transmitting the diagnostic report to the communication device for wireless communication between a remote communication device and the vehicle.

Also, as per claim 41, Petite et al. disclose wherein at least one of the first communication device and the second device is a wireless device (see at least the abstract).

As per claim 42, Petite et al. disclose wherein at least one of the first communication device and the second communication device is a personal computer or a home computer (see at least column 7, lines 17-57).

As per claim 45, Kirkevold et al. disclose wherein the message contains a diagnosis or potential diagnoses regarding the at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair (see at least column 6, lines 13-21; and column 7, lines 1-19).

As per claim 47, Kirkevold et al. disclose wherein the message contain

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information regarding at least one of a repair procedure, a maintain procedure, and a servicing procedure (see at least column 5, lines 35-46; columns 11-12, lines 61-54; and columns 13-14, lines 65-5), and further wherein the message contains video material and audio material (see at least column 13, lines 30-48).

As per claims 49, and 51, Kirkevold et al. disclose wherein the apparatus is programmed to perform periodic diagnostic checks regarding the vehicle, wherein the processing device generates a second message, wherein the second message contains information regarding a scheduled maintenance reminder regarding the vehicle, and further wherein the apparatus transmits the second message to at least one of first communication device and the second communication device (see at least column 17, lines 9-34).

As per claim 50, Kirkevold et al. disclose wherein the processing device generates a second message, wherein the second message contains information regarding at least one of a repair, a maintenance procedure, and a servicing procedure, determined be needed on the vehicle based on the diagnostic check, and further wherein the apparatus transmits the second message to at least one of the first communication device and the second communication device (see at least column 5, lines 34-46; and columns 11-12, lines 60-54).

As per claim 52, Kirkevold et al. do not disclose transmits the second message at least one of service provider computer. However, Diaz et al. disclose wherein the processing device generates a second message, wherein the second message contains information regarding at least one of the request and the at least one of a vehicle problem, vehicle malfunction, and a vehicle state of disrepair, and further wherein the apparatus

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transmits the second message at least one of service provider computer or communication device, a repair facility computer or communication device, and a dealer computer or communication (see at least columns 10-11, lines 1-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al. by combining transmits the second message at least one of service provider computer to obtain vehicle information for diagnostic and maintenance.

Also, as per claims 54-55, Diaz et al. disclose wherein the processing device processes information regarding a user at processing device least one of reserving, engaging, and requesting, a service or services of the at least one of a dealer, service provider, a service technician, and a mechanic, via the apparatus based on the schedule or scheduling information, and wherein the processing device generates a second message containing information regarding the user at least one of reserving, engaging, and requesting, a service or services of the at least one of a dealer, service provider, a service technician, and a mechanic, and further wherein the apparatus transmits the second message a computer or communication device associated with the at least one of a dealer, service provider, a service technician, and a mechanic (see at least columns 12-13, lines 14-8).

As per claim 53, Kirkevold et al. disclose wherein the message also contains regarding at least one of service technician, and schedule or scheduling information dealer, a service provider, a mechanic (see at least column 6, lines 23-32).

As per claim 58, Kirkevold et al. disclose a memory device for storing at least one of vehicle diagnostic information, vehicle repair information, vehicle maintenance

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information, and vehicle servicing information (see at least the abstract; columns 2-3, lines 60-3; column 3, lines 32-67; and column 5, lines 8-33); a processing device associated with the web site, device is located at a location remote wherein the processing from the vehicle and remote from the first communication device, wherein the processing device processes the request for the at least one of a vehicle problem, and a vehicle state of disrepair, wherein information regarding vehicle malfunction, the processing device generates a message containing information regarding at least one of a diagnosis and repair regarding the at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair (see at least columns 4-5, lines 33-7; columns 5-6, lines 35-67; columns 7-8, lines 59-58; and columns 9-11, lines 43-32), and a schedule or scheduling information regarding at least one of a dealer, a service provider, a service technician, and a mechanic ( see at least column 6, lines 23-32). Kirkevold et al. do not disclose service provider. However, Diaz et al. disclose wherein the message also contains a link hyperlink to at least one service provider computer or communication device, a repair facility computer or communication device, dealer computer or communication device, a parts provider computer or communication device, an accessory provider computer or communication device, a warranty provider computer or communication device, and an insurance provider computer or communication device (see at least columns 10-11, lines 1-10; and columns 12-13, lines 14-8). Kirkevold et al. also do not disclose receiver and transmitter. However, Petite et al. disclose a receiver associated with a web site, wherein the receiver receives a request for information regarding at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, regarding a vehicle, wherein the request for information is transmitted to the receiver



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from a first communication associated with a user, wherein the first communication device is located at a location remote from the vehicle and remote from the apparatus, and further wherein the request for information is transmitted to the receiver on or over at least one of the Internet and the World Wide Web (see at least columns 2-3, lines 34-44; and column 6, lines 15-49), and a transmitter associated with the web site for transmitting the message to the first communication device or a second communication device associated with the user (see at least column 10, lines 12-53; column 12, lines 41-62; and columns 16-17, lines 35-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al. by combining a receiver for receiving information regarding at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, regarding a vehicle, wherein the information is transmitted to the receiver from a communication device, wherein the communication device is located at a location remote from the vehicle, and a transmitter for transmitting the diagnostic report to the communication device for wireless communication between a remote communication device and the vehicle.

As per claim 59, Kirkevold et al. disclose a memory device for storing at least one of vehicle diagnostic information, vehicle repair information, vehicle maintenance information, and vehicle servicing information (see at least the abstract; columns 2-3, lines 60-3; column 3, lines 32-67; and column 5, lines 8-33); a processing device associated with the web site, device is located at a location remote wherein the processing from the vehicle and remote from the first communication device, wherein the processing device processes the request for the at least one of a vehicle problem, and a vehicle state of disrepair, wherein information regarding vehicle malfunction, the processing device

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generates a message containing information regarding at least one of a diagnosis and repair regarding the at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair (see at least columns 4-5, lines 33-7; columns 5-6, lines 35-67; columns 7-8, lines 59-58; and columns 9-11, lines 43-32), and a schedule or scheduling information regarding at least one of a dealer, a service provider, a service technician, and a mechanic ( see at least column 6, lines 23-32). Kirkevold et al. do not disclose service provider. However, Diaz et al. disclose wherein the first message also contains information regarding at least one of a service provider, repair facility, a dealer, a parts provider, an accessory provider, a warranty provider, and an insurance provider, for at least one of repairing and paying for a repair of the at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, and further wherein the first message contains a link or a hyperlink to at least one of a service provider computer or communication device, a repair facility computer or communication device, a dealer computer or communication device, a parts provider computer or communication device, an accessory provider computer or communication device, a warranty or communication device, and an insurance provider computer or communication device, and further wherein the processing device generates a second message containing information regarding the request for information regarding the at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, regarding the vehicle (see at least columns 10-11, lines 1-10; and columns 12-13, lines 14-8). Diaz et al. also disclose associated with the user, and further wherein the transmitter transmits the second message to at least one of a service provider computer or communication device, a repair facility computer or communication device, and a dealer computer or communication

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device (see at least columns 10-11, lines 1-10). Kirkevold et al. also do not disclose receiver and transmitter. However, Petite et al. disclose a receiver associated with a web site, wherein the receiver receives a request for information regarding at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, regarding a vehicle, wherein the request for information is transmitted to the receiver from a first communication associated with a user, wherein the first communication device is located at a location remote from the vehicle and remote from the apparatus, and further wherein the request for information is transmitted to the receiver on or over at least one of the Internet and the World Wide Web (see at least columns 2-3, lines 34-44; and column 6, lines 15-49), and a transmitter associated with the web site for transmitting the message to the first communication device or a second communication device associated with the user (see at least column 10, lines 12-53; column 12, lines 41-62; and columns 16-17, lines 35-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al. by combining a receiver for receiving information regarding at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, regarding a vehicle, wherein the information is transmitted to the receiver from a communication device, wherein the communication device is located at a location remote from the vehicle, and a transmitter for transmitting the diagnostic report to the communication device for wireless communication between a remote communication device and the vehicle.

4. Claims 43-44, and 56-57, are rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322), Petite et al. (6,437,692), and Diaz et al.

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(6,356,822) as applied to claims 40, and 53 above, and further in view of Kolls (6,615,186).

As per claim 43, Kirkevold et al., Petite et al., and Diaz et al. do not disclose at least personal digital assistant, telephone, digital telephone, a display telephone, a video telephone, a videophone, and a 3G telephone. However, Kolls discloses wherein at least one of the first communication device is communication device and the second at least one of a personal communication device, personal digital assistant, telephone, digital telephone, a display telephone, a video telephone, a videophone, and a 3G telephone (see at least columns 9-10, lines 66-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al., Petite et al., and Diaz et al. by combining at least personal digital assistant, telephone, digital telephone, a display telephone, a video telephone, a videophone, and a 3G telephone for conveniently communicate with the vehicle service provider vehicle maintenance and repair facility.

As per claim 44, Kolls discloses wherein at least one of the first communication device and the second communication device is an interactive television (see at least the abstract; and columns 38-39, lines 42-45).

As per claims 56-57, Kirkevold et al., Petite et al., and Diaz et al. do not disclose financial transaction between the user and the at least one of a dealer. However, Kolls discloses the processing device processes a financial transaction between the user and the at least one of a dealer, a service provider, a service technician, and a mechanic, wherein the processing device processes information regarding a purchase of an option for a service or services of the at least one of a dealer, a service provider, a service technician,

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and a mechanic (see at least columns 56-57, lines 8-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al., Petite et al., and Diaz et al. by combining financial transaction between the user and the at least one of a dealer to provide online communication between the user and the dealer or service provider.

5. Claim 46, is rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322), Petite et al. (6,437,692), and Diaz et al. (6,356,822) as applied to claim 40 above, and further in view of Li (US 2002/0072808 A1).

As per claim 46, Kirkevold et al., Petite et al., and Diaz et al. do not disclose body work repair or structural damage. However, Li disclose the at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, involves body work repair or structural damage (see at least [0063], and [0064]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al., Petite et al., and Diaz et al. by combining body work repair or structural damage to provide all different services for repairing a vehicle.

6. Claim 48, is rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322), Petite et al. (6,437,692), and Diaz et al. (6,356,822) as applied to claim 40 above, and further in view of Rother (6,141,608).

As per claim 48, Kirkevold et al., Petite et al., and Diaz et al. do not disclose upload vehicle information. However, Rother discloses the apparatus is programmed to receive or to obtain information transmitted from or uploaded from a vehicle computer located at the vehicle, and the processing device is programmed to perform a diagnostic check regarding the vehicle (see at least the abstract; and column 6, lines 31-57). It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al., Petite et al., and Diaz et al. et al. by combining the apparatus is programmed to receive or to obtain information transmitted from or uploaded from a vehicle computer located at the vehicle, and the processing device is programmed to perform a diagnostic check regarding the vehicle for collecting the parameter data of actual driving condition and subsequently transferring this data to a remote data processor for analysis.

#### **Remarks**

7. Applicant's argument filed on 1/21/05 has been fully considered. However, upon updated search, the new ground of rejection has been set forth as above.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

Dalena Tran



April 1, 2005